

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

In re:

AEARO TECHNOLOGIES LLC, *et al.*,<sup>1</sup>

Debtors.

3M OCCUPATIONAL SAFETY LLC, *et al.*,

Plaintiffs,

vs.

THOSE PARTIES LISTED ON  
APPENDIX A TO THE COMPLAINT, *et al.*,

Defendants.

Chapter 11

Case No. 22-02890-JJG-11

Jointly Administered

Adv. Proc. No. 22-50059

**CLAIMANTS' AGREED MOTION TO EXTEND  
THE TIME TO RESPOND TO DEBTORS' COMPLAINT**

Alystock, Witkin, Kreis & Overholtz PLLC, Seeger Weiss LLP, Quinn Emanuel  
Urquhart & Sullivan LLP, Clark, Love & Hutson PLLC, Cory Watson, P.C., Heninger Garrison  
Davis LLC, The Gori Law Firm P.C., Tracey Fox King & Walters, The Johnson Law Group,  
Weitz & Luxenberg PC, Bailey & Glasser LLP, Keller Postman LLC, Paul LLP, Pulaski  
Kherkher PLLC, The Monsour Law Firm, Junell & Associates PLLC, Nabers Law Firm PLLC  
and Robinson Calcagnie, Inc.(collectively, the "Claimants' Counsel"), by themselves or by  
counsel, request entry of an order, on behalf of their clients listed in Appendix A to the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are set forth in the *Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief*, entered by the Court for each consolidated Debtor [Bankr. ECF Nos. 37–42]. The location of the Debtors' service address for the purposes of these chapter 11 cases is 7911 Zionsville Road, Indianapolis, Indiana 46268.

Complaint, extending the time to file an appropriate motion or pleading in response to the Complaint [Adv. ECF No. 1]. In support of the relief requested, the Claimants' Counsel respectfully state as follows:

1. The Complaint was filed on July 26, 2022 seeking, among other things, an extension of the automatic stay pursuant to section 362(a) of the Bankruptcy Code and a preliminary injunction under section 105(a) of the Bankruptcy Code to enjoin all claimants listed in Appendix A of the Complaint from commencing or continuing their legal actions against 3M Company. The deadline to respond to the Complaint is August 25, 2022.

2. Pursuant to Bankruptcy Rule 9006(b)(1), "the court for cause shown may at any time in its discretion . . . order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order . . . ."

3. On August 17, 2022, the Court concluded a three-day evidentiary hearing on the Injunction Motion [Adv. ECF No. 2], after which it took the matter under advisement.

4. The Claimants' Counsel assert that good cause exists, pursuant to Bankruptcy Rule 9006(b)(1), to grant an extension of the deadline to respond to the Complaint. Specifically, (a) a committee of tort claimants has not yet been formed, (b) Claimants' Counsel need additional time to coordinate with other counsel (both for the anticipated committee to be formed and other claimants' counsel) to answer or respond to the Complaint, and (c) the Court's ultimate ruling on the Injunction Motion may moot the need to answer or respond to the Complaint.

5. The Claimants' Counsel request is made before the expiration of the current deadline to respond to the Complaint and is not for the purpose of delay.

6. The Debtors' counsel has agreed to a 45-day extension, to and including October 10, 2022, and has indicated that it does not oppose an extension with respect to any other

claimants listed in Appendix A to the Complaint. Based on this representation, the Claimants' Counsel is also requesting the Court extend the deadline for all claimants listed in Appendix A to the Complaint.

7. Claimants' Counsel are requesting this initial extension by motion pursuant to S.D.Ind. B-7006-1(b) rather than by notice because the requested extension exceeds the 28-day limit set forth in S.D.Ind. B-7006-1(a).

**WHEREFORE**, the Claimants' Counsel request entry of an order substantially in the form attached hereto as **Exhibit A**: (i) extending the time for those listed in Appendix A to the Complaint represented by the Claimants' Counsel to file an appropriate motion or pleading in response to the Complaint to and including October 10, 2022; (ii) granting all other claimants listed in Appendix A to the Complaint similar relief; and (iii) granting all other just and proper relief.

*[Remainder of page intentionally left blank]*

Indianapolis, Indiana  
Dated: August 24, 2022

/s/ Meredith R. Theisen

Meredith R. Theisen

**RUBIN & LEVIN, P.C.**

Deborah J. Caruso  
Meredith R. Theisen  
135 N. Pennsylvania Street, Suite 1400  
Indianapolis, IN 46204  
Telephone: (317) 634-0300  
Facsimile: (317) 453-8602  
Email: dcaruso@rubin-levin.net  
mtheisen@rubin-levin.net

-and-

**OTTERBOURG P.C.**

Melanie L. Cyganowski (*pro hac vice*)  
Adam C. Silverstein (*pro hac vice*)  
Jennifer S. Feeney (*pro hac vice*)  
230 Park Avenue  
New York, NY 10169  
Telephone: (213) 661-9100  
Facsimile: (212) 682-6104  
Email: mcyganowski@otterbourg.com  
asilverstein@otterbourg.com  
jfeeney@otterbourg.com

*Counsel for Seeger Weiss LLP*

/s/ Patricia B. Tomasco

Patricia B. Tomasco

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

Adam Wolfson (*pro hac vice*)  
Eric D. Winston (*pro hac vice*)  
865 S. Figueroa St., 10<sup>th</sup> Floor  
Los Angeles, CA 90017  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100  
Email: adamwolfson@quinnemanuel.com  
ericwinston@quinnemanuel.com

-and-

Patricia B. Tomasco (*pro hac vice*)  
Patrick King  
Joanna Caytas  
711 Louisiana, Suite 500

Respectfully submitted,

/s/ Robert J. Pfister

Robert J. Pfister

**KTBS LAW LLP**

Robert J. Pfister  
Michael L. Tuchin (*pro hac vice*)  
Thomas E. Patterson (*pro hac vice*)  
Sasha M. Gurvitz (*pro hac vice*)  
Nir Maoz (*pro hac vice*)  
1801 Century Park East, 26<sup>th</sup> Floor  
Los Angeles, CA 90067  
Telephone: (310) 407-4000  
Facsimile: (310) 407-9090  
Email: rpfister@ktbslaw.com  
mtuchin@ktbslaw.com  
tpatterson@ktbslaw.com  
sgurvitz@ktbslaw.com  
nmaoz@ktbslaw.com

*Attorneys for Aylstock, Witkin, Kreis & Overholtz, PLLC*

/s/ Brian A. Glasser

Brian A. Glasser

**BAILEY & GLASSER, LLP**

Brian A. Glasser (*pro hac vice*)  
D. Todd Matthews (*pro hac vice*)  
1055 Thomas Jefferson Street NW, Ste. 540  
Washington, DC 20007  
Telephone: (202) 463-2101  
Email: bglasser@baileyglasser.com  
tmatthews@baileyglasser.com

-and-

Kevin W. Barrett (*pro hac vice*)  
Maggie B. Burrus (*pro hac vice*)  
Katherine E. Charonko  
209 Capitol Street  
Charleston, WV 25301  
Telephone: (304) 345-6555

Houston, TX 77002  
Telephone: (713) 221-7000  
Facsimile: (713) 221-7100  
Email: pattytomasco@quinnemanuel.com  
patrickking@quinnemanuel.com  
joannacaytas@quinnemanuel.com

-and-

Matthew S. Hosen (*pro hac vice*)  
1109 1<sup>st</sup> Avenue, Suite 210  
Seattle, WA 98101  
Telephone: (206) 905-7004  
Facsimile: (206) 905-7100  
Email: matthosen@quinnemanuel.com

*Counsel to the Bellwether Plaintiffs*

*/s/ Kevin C. Maclay*

---

Kevin C. Maclay

**CAPLIN & DRYSDALE, CHARTERED**

Kevin C. Maclay (*pro hac vice*)  
Todd E. Phillips (*pro hac vice*)  
Kevin M. Davis (*pro hac vice*)  
One Thomas Circle, NW, Suite 1100  
Washington, DC 20005  
Telephone: (202) 862-5000  
Facsimile: (202) 429-3301  
Email: kmaclay@capdale.com  
tphillips@capdale.com  
kdavis@capdale.com

*Counsel for Certain Claimants Represented  
by Cory Watson, P.C.; Certain Claimants  
Represented by Heninger Garrison Davis,  
LLC; and Certain Claimants Represented by  
The Gori Law Firm, P.C.*

Facsimile: (304) 342-1110  
Email: kbarrett@baileyglasser.com  
mburris@baileyglasser.com  
kcharonko@baileyglasser.com

-and-

David L. Selby II  
3000 Riverchase Galleria, Ste. 905  
Birmingham, AL 35244  
Telephone: (205) 988-9253  
Email: dselby@baileyglasser.com  
*Counsel for the Bailey Glasser Plaintiffs*

*/s/ Tristan Manthey*

---

Tristan Manthey

**FISHMAN HAYGOOD, L.L.P.**

Brent B. Barriere (*pro hac vice*)  
Tristan Manthey (*pro hac vice*)  
Cherie D. Nobles (*pro hac vice*)  
Jason W. Burge (*pro hac vice*)  
201 St. Charles Avenue, 46<sup>th</sup> Floor  
New Orleans, LA 70170  
Telephone: (504) 586-5252  
Facsimile: (504) 586-5250  
Email: bbarriere@fishmanhaygood.com  
tmanthey@fishmanhaygood.com  
cnobles@fishmanhaygood.com  
jburge@fishmanhaygood.com

*Counsel for Clark, Love & Hutson, PLLC*

*/s/ Martha R. Lehman*

---

Martha R. Lehman

**SMITHAMUNDSEN, LLC**

Martha R. Lehman

Mark R. Wenzel

201 North Illinois Street, Suite 1400

Indianapolis, IN 46204

Telephone: (317) 464-4100

Facsimile: (317) 464-4101

Email: mlehman@smithamundsen.com

mwenzel@smithamundsen.com

*Counsel for Tracey Fox King & Walters and  
The Johnson Law Group*

---

*/s/ Ashley C. Keller*

Ashley C. Keller

**KELLER POSTMAN LLC**

Ashley C. Keller (*pro hac vice*)

Nicole C. Berg (*pro hac vice*)

Ashley Barriere (*pro hac vice*)

Frank G. Dylewski (*pro hac vice*)

Amanda Hunt (*pro hac vice*)

150 N. Riverside Plaza, Suite 4100

Chicago, IL 60606

Telephone: (312) 741-5220

Facsimile: (312) 971-3502

Email: ack@kellerpostman.com

ncb@kellerpostman.com

ashley.barriere@kellerpostman.com

frank.dylewski@kellerpostman.com

amanda.hunt@kellerpostman.com

*Counsel for Keller Postman Plaintiffs*

---

*/s/ Adam Pulaski*

Adam Pulaski

**PULASKI KHERKHER, PLLC**

Adam Pulaski

2925 Richmond Avenue, Suite 1725

Houston, TX 77098

Telephone: (703) 664-4555

Facsimile: (703) 664-7543

Email: adam@pulaskilawfirm.com

*Counsel for the Pulaski Kherkher Plaintiffs*

*/s/ Andrew T. Kight*

---

Andrew T. Kight

**JACOBSON HILE KIGHT LLC**

Andrew T. Kight

Michael W. Hile

The Elliott House

108 E. 9<sup>th</sup> Street

Indianapolis, IN 46202

Telephone: (317) 608-1131

Email: akight@jhklegal.com

mhile@jhklegal.com

*Counsel for Weitz & Luxenberg, PC*

---

*/s/ Syed Ali Saeed*

Syed Ali Saeed

**SAEED & LITTLE**

Syed Ali Saeed

8777 Purdue Road, Suite 225

Indianapolis, IN 46268

Telephone: (317) 721-9214

Email: ali@sllawfirm.com

-and-

**PAUL LLP**

Richard M. Paul III (*pro hac vice*)

601 Walnut Street, Suite 300

Kansas City, MO 64106

Telephone: (816) 984-8100

Email: rick@paulllp.com

*Counsel for Paul LLP*

---

*/s/ Mark P. Robinson Jr.*

Mark P. Robinson Jr.

**ROBINSON CALCAGNIE, INC.**

Mark P. Robinson Jr.

19 Corporate Plaza Drive

Newport Beach, CA 92660

Telephone: (949) 720-1288

Email: mrobinson@robinsonfirm.com

*Counsel for the Robinson Calcagnie Plaintiffs*

/s/ Rachel C. Strickland

Rachel C. Strickland

**WILLKIE FARR & GALLAGHER LLP**

Rachel C. Strickland (*pro hac vice*)

787 Seventh Avenue

New York, NY 10019

Telephone: (212) 728-8544

Facsimile: (212) 728-8111

Email: rstrickland@willkie.com

*Counsel for The Monsour Law Firm*

/s/ Deborah K. Levy

Deborah K. Levy

**JUNELL & ASSOCIATES, PLLC**

Deborah K. Levy (*pro hac vice*)

Karen H. Beyea-Schroeder (*pro hac vice*)

3737 Buffalo Speedway, 18<sup>th</sup> Floor

Houston, TX 77098

Telephone: (713) 221-3750

Facsimile: (832) 787-1027

Email: dlevy@junell-law.com

kschroeder@junell-law.com

*Counsel for the Junell & Associates Plaintiffs*

/s/ Joseph Scott Nabers

Joseph Scott Nabers

**NABERS LAW FIRM, PLLC**

Joseph Scott Nabers

Katerina Dimitrakakos

3737 Buffalo Speedway, Suite 1850

Houston, TX 77098

Telephone: (713) 422-1200

Facsimile: (713) 422-1210

Email: snabers@naberslaw.com

kathy@naberslaw.com

*Counsel for the Nabers Law Firm Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 24, 2022 a copy of the foregoing *Claimants' Agreed Motion to Extend the Time to Respond to Debtors' Complaint* was filed electronically. Notice of this filing was sent to parties through the Court's Electronic Case Filing System, which includes all parties in the Core Group other than those listed below. Parties may access this filing through the Court's system.

I further certify that on August 24, 2022, a copy of the foregoing *Claimants' Agreed Motion to Extend the Time to Respond to Debtors' Complaint* was mailed by first-class U.S. Mail, postage prepaid, or electronic mail as indicated and properly addressed to the following remaining parties in the Core Group:

**United States Department of Defense**

Attn: Robert Wald

United States Army Legal Services Agency

Gunston Road 9275

Fort Belvoir, VA 22060

**United States Department of Veterans Affairs**

Attn: Shaquana L. Cooper

Information & Administrative Law Group 810

Vermont Avenue, NW, 11<sup>th</sup> Floor

Washington, DC 20420

**Watts Guerra LLP**

Attn: Mikal Watts, David Vincent Mclendon & Erin Rogiers

Email: mcwatts@wattsguerra.com  
dmclendon@wattsguerra.com  
erogiers@wattsguerra.com

**Pulaski Kherkher, PLLC**

Attn: Adam Pulaski

Email: adam@pulaskilawfirm.com

**Bailey Cowan Heckaman PLLC**

Attn: Aaron M. Heckaman, Kenneth Camp Bailey & Robert W. Cowan

Email: sbuchanon@bchlaw.com  
bailey-svc@bchlaw.com  
rcowan@bchlaw.com

**Nabers Law Firm, PLLC**

Attn: Joseph Scott Nabers & Katerina Dimitrakakos

Email: snabers@naberslaw.com  
kathy@naberslaw.com

**Danziger & De Llano, LLP**

Attn: Paul Danziger, Rodrigo De Llano

Email: paul@dandell.com  
filings@dandell.com

**Kirkendall Dwyer LLP**

Attn: Blair Bertram Matyszczyk & Kelley U. Owens

Email: bmatyszczyk@kirkendalldwyer.com  
keowens@kirkendalldwyer.com

**Weitz & Luxenberg, PC**

c/o Andrew T. Kight & Michael W. Hile

Email: akight@jhklegal.com  
mhile@jhklegal.com

**Thomas J. Henry Law PLLC**

Attn: Thomas J. Henry, Roger L. Turk & Lesley Catherine Paniszczyn

Email: tjh.3m@thomasjhenrylaw.com  
rlt.3m@thomasjhenrylaw.com  
lpan.3m@thomasjhenrylaw.com

**Douglas & London, P.C.**

Attn: Michael A. London & Virginia E. Anello

Email: mlondon@douglasandlondon.com  
vanello@douglasandlondon.com

**Junell & Associates, PLLC**

Attn: Deborah K. Levy & Karen H. Beyea-Schroeder

Email: dlevy@junell-law.com  
kschroeder@junell-law.com

**Morgan & Morgan PA**

Attn: Paul J. Pennock, Panagiotis V. Albanis & Jonathan M. Sedgh

Email: ppennock@forthepeople.com  
palbanis@forthepeople.com  
jsedgh@forthepeople.com

**Abraham, Watkins, Nichols, Sorrels, Agosto & Aziz**

Attn: Muhammed S. Aziz

Email: jdean@abrahamwatkins.com

**The Monsour Law Firm**

c/o Rachel C. Strickland

Email: rstrickland@willkie.com

**Robinson Calcagnie, Inc.**

Attn: Mark P. Robinson Jr.

Email: mrobinson@robinsonfirm.com

/s/ Meredith R. Theisen

Meredith R. Theisen